IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P.No.7907 of 2007

Date of Decision: 24.5.2007

Gagandeep Singh Raikhi

..Petitioner.

Vs.

Punjab State Electricity Board and others

..Respondents.

CORAM : HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE ARVIND KUMAR

Present: Mr.Padam Jain, Advocate for the petitioner.

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M.M.KUMAR, J.

In this petition filed under Article 226 of the Constitution the prayer made is for issuance of a direction to the respondents to consider and decide the legal notice sent by the petitioner through his counsel dated 7.7.2006 (Annexure P-9) wherein claim has been made that the petitioner be given promotion as Sub Divisional Officer on preference basis out of the Terrorist Victim Quota. It has been claimed that neither the petitioner nor any of his family members was given the benefit of Terrorist Victim Quota in the Punjab State Electricity Board (respondent No.1) whereas such benefits have been extended to several similarly situated persons.

A perusal of appointment order dated 23.6.1994 Annexure (P-4) shows that the petitioner was appointed as Junior Engineer in pursuance to the policy for Terrorist Affected Persons. The father of the petitioner was killed in a terrorist attack on 19.9.1991 and he was working as Assistant Engineer on the aforementioned date. In pursuance to the then prevailing policy, the petitioner was appointed as Junior Engineer (Testing). The

petitioner has now claimed that he should be considered for promotion as Sub Divisional Officer on preference basis in the Terrorist Victim Quota and reliance in that regard has been placed on policy instructions dated 11.11.93 (Annexure P-5) which has been adopted by the respondent-Board by circular dated 21.3.1994 (Annexure P-6).

After hearing the learned counsel, we find that no legal rights accrue to the petitioner from policy instructions dated 11.11.1993 (Annexure P-5) which have been adopted by the respondent-Board vide circular dated 21.3.1994 (Annexure P-6) as there is no provision carving out a quota styled by the petitioner as `Terrorist Victim Quota' for giving promotion to the higher post of Sub Divisional officer. The policy is only appointment which benefit stands granted to him as he was appointed as Junior Engineer on 23.6.1994 (P-4). Therefore, the legal notice sent by the petitioners does not give rise to any legal right to be decided by the respondent-Board. It is well settled that a direction under Article 226 of the Constitution could be issued to enforce a legal right because there is then a corresponding duty to be performed by the public authority.

There is no merit in the petition.

Dismissed.

(M.M.Kumar)
Judge

(Arvind Kumar)
Judge

24.5.2007
Meenu